

MISC. CIVIL APPLICATION NO. 1077 OF 1990.

Date of decision: 6.9.1996.

For approval and signature

The Honourable Mr. Justice S.M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. B.S. Patel, advocate for the petitioner.

Mr. K.S. Nanavati, advocate for respondent No.1.

Mr. K.M. Patel, advocate for respondent No.2.

1. Whether Reporters of Local Papers may be allowed to see the judgment?No
2. To be referred to the Reporter or not?No
3. Whether their Lordships wish to see the fair copy of judgment?No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?No
5. Whether it is to be circulated to the Civil Judge?No

Coram: S.M. Soni & R.R. Jain, JJ.

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September 6, 1996.

Oral judgment (Per Soni, J.)

This application is filed to take action under the Contempt of Courts Act alleging wilful defiance of the award passed by the Labour Court, Vadodara in Reference (LCV) No.13 of 1981 dated 2.6.1990. In view of the judgment of the Supreme Court in the case of the Alahar Cooperative Credit Service Society v. Sham Lal, reported

in 1995 (2) GLH 550, Labour Court is not a Court subordinate to the High Court as contemplated under Section 10 of the Contempt of Courts Act. In view of this, the petition is not maintainable and is hereby dismissed. Rule is discharged. No order as to costs.